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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,697	06/24/2000	KEVIN E. LARACEY	EDC-001	1482
8791	7590	10/06/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/6021697

EXAMINER

ART UNIT	PAPER
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09052005

DATE MAILED:

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Commissioner for Patents

Richard C. Weisberger
Primary Examiner
Art Unit: 3624

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1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

2. In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

The Gillespe reference was relied upon by the examiner for the outstanding art rejections. The referee teaches that as of 1999 there were five major players in the EPP market (see, page 1, third paragraph). These players are Checkfree, Transpoint, The Exchange, Integroin, and Bank of America. A recent CAFC ruling affirmed the PTO's ability to pursue information from the applicant under 37 C.F.R. §1.105 relevant to patent examination either procedurally or substantively, and that the information may include publications and stipulations of fact beyond that defined by 37 C.F.R. §1.56 as material to patentability, and beyond that which is directly useful to support rejection or conclusively decide issue of patentability. See, *Star Fruits v. United States*, 73 USPQ2d 1409. The applicant argues in his recent remarks that the EPP market was "extremely immature" as of the date of the filing of the instant application. This suggests that the applicant may be able to provide information relevant to the examination of this application. According, the following questions should be answered as fully and as completely as possible.

At the time of the filing of the instant application was the applicant aware of these five vendors? If so, please describe how and to what degree. At anytime prior to or since the filing of this application, has the applicant evaluated the EPP methods of these companies? If so, please outline the key features of each of the EPP services associated with each of these companies. Does the applicant have an opinion of the state of the art EPP landscape as of the filing date of

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the instant application. If so, please outline what the applicant believes was the technological landscape at that time.

3. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention, particularly as to developing the claimed EPP. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.

4. In response to this requirement, please state the specific improvements of the subject matter in claim 1 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements

5. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

6. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

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7. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).



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AU 3624

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